

1 Cir.1986), cert. denied, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), cert.
2 denied, 469 U.S. 838 (1984). However, counsel must be appointed if the complexities of the case are
3 such that denial of counsel would amount to a denial of due process, and where the petitioner is a person
4 of such limited education as to be incapable of fairly presenting his claims. *See Chaney*, 801 F.2d at
5 1196; *see also Hawkins v. Bennett*, 423 F.2d 948 (8th Cir.1970). The petition on file in this action
6 appears sufficiently clear in presenting the issues that petitioner wishes to raise. Counsel is not justified
7 at this time. The motion is denied without prejudice.

8 **IT IS THEREFORE ORDERED** that the Clerk shall **FILE** and **ELECTRONICALLY**
9 **SERVE** the petition (ECF #1-1) on the respondents.

10 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45)** days from
11 entry of this order within which to answer, or otherwise respond to, the petition. In their answer or other
12 response, respondents shall address any claims presented by petitioner in his petition as well as any
13 claims presented by petitioner in any Statement of Additional Claims. Respondents shall raise all
14 potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and
15 procedural default. **Successive motions to dismiss will not be entertained.** If an answer is filed,
16 respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in the
17 United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have **forty-**
18 **five (45) days** from the date of service of the answer to file a reply.

19 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the Attorney
20 General of the State of Nevada a copy of every pleading, motion, or other document he submits for
21 consideration by the court. Petitioner shall include with the original paper submitted for filing a
22 certificate stating the date that a true and correct copy of the document was mailed to the Attorney
23 General. The court may disregard any paper that does not include a certificate of service. After
24 respondents appear in this action, petitioner shall make such service upon the particular Deputy Attorney
25 General assigned to the case.

1 **IT IS FURTHER ORDERED** that any state court record exhibits filed by respondents
2 herein shall be filed with a separate index of exhibits identifying the exhibits by number or letter. The
3 CM/ECF attachments that are filed further shall be identified by the number or numbers (or letter or
4 letters) of the exhibits in the attachment. The hard copy of any additional state court record exhibits
5 shall be forwarded – for this case – to the staff attorneys in Reno.

6 **IT IS FURTHER ORDERED** that petitioner's ex parte motion for appointment of
7 counsel (ECF #1-2) is **DENIED without prejudice**.

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9 DATED this 24th day of January 2012.

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11 UNITED STATES DISTRICT JUDGE